

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

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JOHN DOE,

Plaintiff,

-against -

ESTHER MARIE SANTISI and  
CAESAR AUGUSTUS NIEVES,

Defendants.

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To the above-named defendants:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York): and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

**A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT,  
RICHMOND COUNTY ON \_\_\_\_\_ IN COMPLIANCE WITH CPLR §§305(a) AND  
306(a).**

Dated: New York, New York  
August 14, 2019

MERSON LAW, PLLC

By:



Jordan K. Merson  
Attorneys for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

TO:  
**ESTHER MARIE SANTISI**  
442 Edinboro Road  
Staten Island, NY 10306

**CAESAR AUGUSTUS NIEVES**  
211 Springwood Ct.  
Saylorburg, PA 18353

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

Index No.: \_\_\_\_\_/19

JOHN DOE,

Plaintiff,  
-against -

**VERIFIED  
COMPLAINT**

ESTHER MARIE SANTISI and CAESAR AUGUSTUS  
NIEVES,

Defendants.

-----X  
**COMPLAINT AND JURY TRIAL DEMANDED**

Plaintiff JOHN DOE (hereinafter "Plaintiff" or "Mr. Doe"),<sup>1</sup> by and through his counsel Merson Law, PLLC, and as for his Complaint in this action against Defendants ESTHER MARIE SANTISI (hereinafter "Santisi") and CAESAR AUGUSTUS NIEVES (hereinafter "Nieves") hereby alleges the following:

**NATURE OF THE CLAIM**

1. From in or about 1983 and continuing until approximately 1991, Defendants Santisi and Nieves sexually abused their son, Plaintiff, then between the ages of three and eleven. Since the sexual assault, Plaintiff has suffered severe emotional pain and suffering and he been unable to live a normal life.

2. Santisi would sexually abuse Plaintiff by entering the bathroom with Plaintiff and force him to take baths with her in the room and touch and pull on his penis and scrotum. Santisi would further force Plaintiff to use the bathroom in front of her even if plaintiff told her he didn't need to use the bathroom, sometimes confining him to the bathroom for hours. If

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<sup>1</sup> Plaintiff uses a pseudonym because he is a victim of a sex crime pursuant to N.Y. Civ. Rights § 50-b and other statutory and common law principles.

Plaintiff said no, Santisi would become angry, take off plaintiff's clothes and beat him in front of his siblings.

3. Santisi would further inform Plaintiff about her sexual encounters with men including discussing their penis size and sexual activities and preferences. Santisi would bring plaintiff with her to men's homes during summer and force him to sit on the floor in the backseat of the car and not move while she went up to their apartments leaving him alone in a hot car for extended periods of time when he was as young as four years old. Plaintiff did what he was told because he was afraid.

4. Nieves sexually abused plaintiff when plaintiff was a child by forcing Plaintiff into the bathroom where Nieves would rub his own genitals and digitally penetrate himself before sticking his fingers in Plaintiff's mouth. Nieves additionally would beat Plaintiff with sticks and his hands.

5. Plaintiff attempted to report the abuse he was enduring at the hands of Santisi and Nieves to his school, but Santisi discovered Plaintiff's disclosure, she brutally beat him and forced him to retract his story.

6. In addition to the physical injuries from being assaulted and battered, Plaintiff suffered and will continue to suffer permanent psychological trauma for the rest of his life.

7. The predatory, sexual attack on Plaintiff by Defendants left him with severe and permanent physical and psychological injuries.

**AS FOR A FIRST CAUSE OF ACTION AGAINST ESTHER MARIE SANTISI**

**(BATTERY)**

8. Plaintiff repeats reiterates, and realleges each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 7., inclusive, with the same force and effect as if hereafter set forth at length.

9. Beginning in or about 1983 and continuing until approximately 1991, Santisi would sexually abuse Plaintiff by pulling on and touching his penis and scrotum and forcing him to shower and bathe in front of her.

10. Defendant's predatory, sexual, and unlawful acts against plaintiff, amounted to a series of harmful and offensive contacts to Plaintiff's person all of which were done intentionally by defendant to plaintiff without plaintiff's consent.

11. As a direct and proximate result of the aforementioned batteries, Plaintiff has sustained in the past, and will continue to sustain in the future, physical injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.

12. As a direct and proximate result of the aforementioned batteries, Plaintiff has incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and will be obligated to expend sums of money for medical care and attention in an effort to cure himself of his injuries and to alleviate his pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

13. Plaintiff is unable pursue his usual activities and employment, all due to his physical, psychological, and emotional injuries and damage he sustained due to the aforementioned batteries.

14. By reason of the foregoing, Plaintiff was caused to sustain severe and serious personal injuries, a severe shock to his nervous system, and certain internal injuries, and was

caused to suffer severe physical pain and mental anguish as a result thereof, and upon information and belief these injuries are of a permanent and lasting nature; that said plaintiff was incapacitated from attending his regular activities, and was caused to expend sums of money for medical care on his behalf.

15. By reason of the foregoing, the plaintiff, is entitled to compensatory damages from defendant in such sums as a jury would find fair, just, and adequate, and the plaintiff is further entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar conduct.

16. The amount of damages sought exceeds the jurisdiction of all lower courts that would otherwise have jurisdiction.

17. This action falls with exceptions to Article 16 of the C.P.L.R.

**AS FOR A SECOND CAUSE OF ACTION AGAINST ESTHER MARIE  
SANTISI**

**(ASSAULT)**

18. Plaintiff repeats reiterates, and realleges each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 17., inclusive, with the same force and effect as if hereafter set forth at length.

19. Defendant's predatory, sexual and unlawful acts against PLAINTIFF, created a reasonable apprehension in plaintiff of immediate harmful or offensive contact to plaintiff's person, all of which were done intentionally by defendant to plaintiff without plaintiff's consent.

20. As a direct and proximate result of the aforementioned assault, Plaintiff has sustained in the past, and will continue to sustain in the future, physical injury, pain and

suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.

21. As a direct and proximate result of the aforementioned assaults, Plaintiff has incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and will now be obligated to expend sums of money for medical care and attention in an effort to cure himself of his injuries and to alleviate his pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

22. Plaintiff continues to be unable, to pursue his usual activities and employment all due to the physical, psychological and emotional injuries and damage he sustained due to the aforementioned assaults.

23. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate, and the plaintiff, is further entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.

24. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

25. This action falls within the exceptions to Article 16 of the C.P.L.R.

**AS FOR A THIRD CAUSE OF ACTION AGAINST ESTHER SANTISI**

**(FALSE IMPRISONMENT)**

26. Plaintiff repeats reiterates, and realleges each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 25., inclusive, with the same force and effect as if hereafter set forth at length.

27. Beginning in or about 1983 and continuing through approximately 1991, Santisi frequently confined plaintiff to the bathroom of her home and her car. Plaintiff was unable to leave the confinement that Santisi forced him into.

28. Defendant intended to confine plaintiff.

29. Plaintiff was conscious of the confinement.

30. Plaintiff did not consent to the confinement.

31. Defendant's confinement of plaintiff was not otherwise privileged, and therefore was unlawful.

32. As a direct and proximate result of the aforementioned false imprisonment, Plaintiff has sustained in the past, and will continue to sustain in the future, physical injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.

33. As a direct and proximate result of the aforementioned false imprisonment, Plaintiff has incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and will now be obligated to expend sums of money for medical care and attention in an effort to cure himself of his injuries and to alleviate his pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

34. Plaintiff continues to be unable to pursue his usual activities and employment all due to the physical, psychological and emotional injuries and damage he sustained due to the aforementioned false imprisonment.

35. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate, and the plaintiff, is further

entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.

36. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

37. This action falls within the exceptions to Article 16 of the C.P.L.R.

**AS FOR A FOURTH CAUSE OF ACTION AGAINST ESTHER SANTISI**

**(INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS)**

38. Plaintiff repeats reiterates, and realleges each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 37., inclusive, with the same force and effect as if hereafter set forth at length.

39. Defendant engaged in outrageous conduct towards plaintiff, with the intention to cause, or with reckless disregard for the probability of causing, plaintiff to suffer severe emotional distress.

40. As a proximate result of the aforementioned assaults, batteries and false imprisonment to Plaintiff, he has suffered and continues to suffer extreme mental distress, humiliation, anguish and emotional and physical injuries, as well as economic losses, all his damage in amounts to be proven at trial.

41. Defendant committed the acts alleged herein maliciously, fraudulently and oppressively with the wrongful intention of injuring plaintiff from an improper and evil motive amounting to malice and in conscious disregard of plaintiff's rights, entitling plaintiff to recover punitive damages in amounts to be proven at trial.

42. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

43. This action falls within the exceptions to Article 16 of the C.P.L.R.

**AS FOR A FIFTH CAUSE OF ACTION AGAINST CAESAR AUGUSTUS  
NIEVES**

**(BATTERY)**

44. Plaintiff repeats reiterates, and realleges each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 43., inclusive, with the same force and effect as if hereafter set forth at length.

45. Nieves sexually abused Plaintiff when he was a child by confining him to the bathroom of his home here he would rub his own genitals and digitally penetrate his anus and then stick his fingers into plaintiff's mouth.

46. Defendant's predatory, sexual, and unlawful acts against plaintiff, amounted to a series of harmful and offensive contacts to Plaintiff's person all of which were done intentionally by defendant to plaintiff without plaintiff's consent.

47. As a direct and proximate result of the aforementioned batteries, Plaintiff has sustained in the past, and will continue to sustain in the future, physical injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.

48. As a direct and proximate result of the aforementioned batteries, Plaintiff has incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and will be obligated to expend sums of money for medical care and attention in an effort to cure himself of his injuries and to alleviate his pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

49. Plaintiff is unable pursue his usual activities and employment, all due to his physical, psychological, and emotional injuries and damage he sustained due to the aforementioned batteries.

50. By reason of the foregoing, Plaintiff was caused to sustain severe and serious personal injuries, a severe shock to his nervous system, and certain internal injuries, and was caused to suffer severe physical pain and mental anguish as a result thereof, and upon information and belief these injuries are of a permanent and lasting nature; that said plaintiff was incapacitated from attending his regular activities, and was caused to expend sums of money for medical care on his behalf.

51. By reason of the foregoing, the plaintiff, is entitled to compensatory damages from defendant in such sums as a jury would find fair, just, and adequate, and the plaintiff is further entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar conduct.

52. The amount of damages sought exceeds the jurisdiction of all lower courts that would otherwise have jurisdiction.

53. This action falls with exceptions to Article 16 of the C.P.L.R.

**AS FOR A SIXTH CAUSE OF ACTION AGAINST CAESAR AUGUSTUS  
NIEVES**

**(ASSAULT)**

54. Plaintiff repeats reiterates, and realleges each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 53., inclusive, with the same force and effect as if hereafter set forth at length.

55. Defendant's predatory, sexual and unlawful acts against plaintiff, created a reasonable apprehension in plaintiff of immediate harmful or offensive contact to plaintiff's person, all of which were done intentionally by defendant to plaintiff without plaintiff's consent.

56. As a direct and proximate result of the aforementioned assault, Plaintiff has sustained in the past, and will continue to sustain in the future, physical injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.

57. As a direct and proximate result of the aforementioned assaults, Plaintiff has incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and will now be obligated to expend sums of money for medical care and attention in an effort to cure himself of his injuries and to alleviate his pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

58. Plaintiff continues to be unable, to pursue his usual activities and employment all due to the physical, psychological and emotional injuries and damage he sustained due to the aforementioned assaults.

59. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate, and the plaintiff, is further entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.

60. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

61. This action falls within the exceptions to Article 16 of the C.P.L.R.

**AS FOR A SEVENTH CAUSE OF ACTION AGAINST CAESAR AUGUSTUS  
NIEVES**

**(FALSE IMPRISONMENT)**

62. Plaintiff repeats reiterates, and realleges each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 61., inclusive, with the same force and effect as if hereafter set forth at length.

63. Beginning in or about 1983 and continuing thereafter, Nieves frequently confined plaintiff to the bathroom of his home. Plaintiff was unable to leave the confinement that Nieves forced him into.

64. Defendant intended to confine plaintiff.

65. Plaintiff was conscious of the confinement.

66. Plaintiff did not consent to the confinement.

67. Defendant's confinement of plaintiff was not otherwise privileged, and therefore was unlawful.

68. As a direct and proximate result of the aforementioned false imprisonment, Plaintiff has sustained in the past, and will continue to sustain in the future, physical injury, pain and suffering, serious and severe psychological and emotional distress, mental anguish, embarrassment and humiliation.

69. As a direct and proximate result of the aforementioned false imprisonment, Plaintiff has incurred medical expenses and other economic damages, and continues to be in physical pain and suffering, and will now be obligated to expend sums of money for medical care and attention in an effort to cure himself of his injuries and to alleviate his pain and suffering, emotional distress, mental anguish, embarrassment and humiliation.

70. Plaintiff continues to be unable to pursue his usual activities and employment all due to the physical, psychological and emotional injuries and damage he sustained due to the aforementioned false imprisonment.

71. By reason of the foregoing, plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate, and the plaintiff, is further entitled to punitive and exemplary damages from defendant in such sums as a jury would find fair, just and appropriate to deter said defendant and others from future similar misconduct.

72. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

73. This action falls within the exceptions to Article 16 of the C.P.L.R.

**AS FOR AN EIGHTH CAUSE OF ACTION AGAINST CAESAR AUGUSTUS  
NIEVES**

**(INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS)**

74. Plaintiff repeats reiterates, and realleges each and every allegation contained in those paragraphs of the Complaint marked and designated 1. through 73., inclusive, with the same force and effect as if hereafter set forth at length.

75. Defendant engaged in outrageous conduct towards plaintiff, with the intention to cause, or with reckless disregard for the probability of causing, plaintiff to suffer severe emotional distress.

76. As a proximate result of the aforementioned assaults, batteries and false imprisonment to Plaintiff, he has suffered and continues to suffer extreme mental distress, humiliation, anguish and emotional and physical injuries, as well as economic losses, all his damage in amounts to be proven at trial.

77. Defendant committed the acts alleged herein maliciously, fraudulently and oppressively with the wrongful intention of injuring plaintiff from an improper and evil motive amounting to malice and in conscious disregard of plaintiff's rights, entitling plaintiff to recover punitive damages in amounts to be proven at trial.

78. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

79. This action falls within the exceptions to Article 16 of the C.P.L.R.

**WHEREFORE**, plaintiff demands judgement against defendants in such sum as a jury would find fair, adequate and just containing the following relief:

A. A declaratory judgement that the actions, conduct and practices of Defendants complained of herein violated the laws of the State of New York;

B. An injunction and order permanently restraining Defendants from engaging in such unlawful conduct;

C. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic harm; harm to his personal and professional reputations and loss of career fulfillment; for all non-monetary and/or compensatory harm, including but not limited to, compensation for physical anguish and mental anguish; all other monetary and/or non-monetary losses suffered by Plaintiff; and that by reason of the foregoing, Plaintiff sustained damages in a sum, pursuant to C.P.L.R. §3017, which exceeds the jurisdictional limits of all lower courts;

D. An award of punitive damages;

E. An award of costs that Plaintiff has incurred in this action, as well as Plaintiff's reasonable attorney's fees to the fullest extent permitted by law; and.

F. Such other and further relief as this Honorable Court may deem just and proper.

Dated: New York, New York  
August 14, 2019

MERSON LAW, PLLC

By: Jordan Merson  
Jordan K. Merson  
Sarah R. Cantos  
Attorney for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

Index No.: \_\_\_\_\_/19

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JOHN DOE,

ATTORNEY  
VERIFICATION

*Plaintiff,*

-against -

ESTHER MARIE SANTISI and CAESAR AUGUSTUS  
NIEVES,

*Defendants.*

-----X

JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiff in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affiant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York  
August 14, 2019



JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

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JOHN DOE,

*Plaintiff,*

*- against -*

ESTHER MARIE SANTISI and CAESAR AUGUSTUS  
NIEVES,

*Defendants,*

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SUMMONS AND VERIFIED COMPLAINT

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Merson Law, PLLC.

*Attorneys for Plaintiff(s)*

*Office and Post Office Address, Telephone*  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Fl.  
New York, New York 10155  
(212) 603-9100

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To: All Parties

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